

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to the second non-final Official Action issued following a decision on a Pre-Appeal Brief Request for Review to re-open prosecution. The Official Action now rejects all of the pending claims, namely Claims 1-54, under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. More particularly, the Official Action alleges that the specification of the present application fails to support recitations of receiving a connection request or registration message “during operation [of the apparatus]” in a network, as per independent Claims 1, 10, 19 and 28. The Official Action further alleges that the specification fails to support the recitations of “preparing” a network-independent trigger or registration message “for transmission,” as per independent Claims 1, 10, 19, 28, 37 and 46. Applicants respectfully disagree.

As explained below, Applicant respectfully submits that the claims do in fact satisfy the written description requirement. Nonetheless, to advance prosecution of the present application, Applicant has amended various ones of the claims to further clarify aspects of the present invention. In view of the amendments to the claims and the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

As recognized in the Official Action, satisfying the written description requirement of 35 U.S.C. § 112, first paragraph requires a patent specification to describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. MPEP § 2163; and *see, e.g., Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 USPQ2d at 1116. However, there is no requirement that the specification literally describe the claimed subject matter (i.e., using the same terms or *in haec verba*) to satisfy the written description requirement. *Id.* at § 2163.02. The claimed subject matter may be supported in the specification through express, implicit, or inherent disclosure. *Id.* at § 2163.

**A. “During Operation”**

As indicated above, the Official Action alleges that the specification of the present application fails to support recitations of receiving a connection request or registration message “during operation [of the apparatus]” in a network, as per independent Claims 1, 10, 19 and 28. Applicant respectfully submits that the specification does in fact support the foregoing recitation implicitly or inherently, if not explicitly. Nonetheless, Applicant has amended independent Claims 1, 10, 19 and 28 to recite receiving the connection request or registration message “via” a network. Support for this amendment may be found in the specification at least at FIGS. 1, 4 and 5; and at page 7, lines 8-15; page 7, line 29 – page 8, line 6; and at page 9, lines 12-21. Applicant therefore respectfully submits that independent Claims 1, 10, 19 and 28, and by dependency Claims 2-9, 11-18, 20-27 and 29-36, do satisfy the written description requirement as to the aforementioned recitation.

**B. “Preparing ... for Transmission”**

As also indicated above, the Official Action alleges that the specification fails to support the recitations of “preparing” a network-independent trigger or registration message “for transmission,” as per independent Claims 1, 10, 19, 28, 37 and 46. Applicant respectfully disagrees, however, and submits that the specification does in fact support the aforementioned recitations implicitly or inherently, if not explicitly.

The specification explicitly discloses sending or otherwise transmitting a network-independent trigger, as well as sending or otherwise transmitting a registration message. *See*, e.g., Pat. Appl., page 14, lines 8-11; page 17, lines 17-18; and page 21, lines 20-24 (disclosing sending a SIP REGISTER message); and *id.* at page 15, lines 28-31; and page 21, lines 6-9 (disclosing sending a non-IP-based trigger). And as will be appreciated by those skilled in the art, before a message or other data may be transmitted, it must be “prepared for transmission.” As is readily understood, preparing a message or other data for transmission includes generating or otherwise formatting the respective message or data to include relevant information. As explicitly disclosed in the specification, the information included within a registration message may include a source identifying the private IP address and an open communication port of the

source of the message, a destination identifying the public IP address and an open communication port of the recipient of the message. *See id.* at page 17, line 17 – page 18, line 2. And the information included within a network-independent trigger may include an instruction for the recipient to re-register, and may identify an originating client. *See id.* at page 21, lines 6-16.

Applicant therefore respectfully submits that the specification of the present application implicitly or inherently, if not explicitly, supports the aforementioned recitations in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. And as such, Applicant respectfully submits that independent Claims 1, 10, 19, 28, 37 and 46, and by dependency Claims 2-9, 11-18, 20-27, 29-36, 38-45 and 47-54 do satisfy the written description requirement as to the aforementioned recitation.

For at least the foregoing reasons, Applicant respectfully submits that the rejection of Claims 1-54, under 35 U.S.C. § 112, first paragraph is overcome.

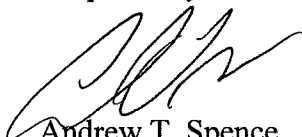
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### **CONCLUSION**

In view of the amendments to the claims and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
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